



DENTAL BOARD OF CALIFORNIA

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Legislative Committee Meeting Minutes March 10, 2005, San Jose

Members Present

Alan Kaye, DDS, Chair
David Baron, Public Member
George SooHoo, DDS
Newton Gordon, DDS
Chester Yokoyama, DDS

Members Absent

LaDonna Drury-Klein, RDA
Patricia Osuna, RDH

Staff Present

Cynthia Gatlin, Executive Officer
Richard DeCuir, Assistant Executive Officer
La Rita Abdul-Rahman, Secretary
Alan Mangels, Attorney General Liaison
LaVonne Powell, Legal Counsel

The meeting was called to order by Dr. Kaye. Roll was taken and a quorum established. Richard DeCuir, Assistant Executive Officer, explained the various positions the Board could take and in turn, gave a synopsis of new legislation of interest to the Board. Board members present but not on the Committee, sat in the audience to listen to the discussions so the bills would not have to be discussed again when the full Board receives the report of this Committee.

Kathy Mudge, California Dental Association (CDA) said that when CDA takes a "support if amended" position, they always provide information on what it is they would like amended and asked the Board to do likewise.

SB 438 (Migden) This bill is nearly identical to one vetoed by the Governor last year, and allows qualified oral and maxillofacial surgeons to obtain a permit from the Board to perform specified elective cosmetic surgical procedures. It was m/s/c (Kaye/SooHoo) to support.

SB 683 (Aanestad) Bill would allow licensure applicants the option of completing a CODA accredited one-year post-doctoral general dentistry program or CODA accredited ADA recognized specialty program in lieu of the clinical exam.

In response to questions from the Board, Mr. Carrolon, CDA, said this is very close to New York's old law for PGY1 and that CDA supports this bill. Kathy Mudge said the CDA House of Delegates agrees that a 1-year GPR or 1 year residency should suffice for licensure. Dr. Kaye asked if this wasn't close to specialty licensure and she said it sets the stage for it.

Dr. SooHoo said this bill is great for specialists but disagrees with the 1 year GPR; he has no problem with a 2-year specialty program. He would like to see more studies on the GPR programs as his experience is that many are unsupervised programs.

Dr. Earl Johnson, who runs a graduate program at UCSF said this is licensure by specialty and spoke in opposition to the bill. There was discussion of 1-year programs and formal outcome assessments and Dr. Yokoyama said he doesn't think there is an evaluation for general dentistry unless the program is a GPR.

It was m/s/c (SooHoo/Yokoyama) to oppose unless amended to remove the GPR requirement.

In further discussion, Ms. Mudge said that with the time and expense of post-graduate specialty programs it is unlikely applicants [for licensure] would do general dentistry. Dr. Johnson said that although he is a specialist he removes teeth and does soft tissue procedures and thinks an applicant should be tested on all aspects of dentistry.

AB 1077 (Chan) Sponsored by CDA, this bill is modeled after Illinois law which encourages, but does not mandate, documentation of a dental exam by May of each child's kindergarten, second, and sixth grade school years.

Mr. Carrolon clarified there are no penalties for failing to turn in a screening verification and there is an "opt out" for the parents. Ms. Mudge said the work group for this legislation would have liked to make the exams mandatory.

It was m/s/c (SooHoo/Baron) to support the bill.

AB 1268 (Oropeza) This bill will amend current law on advertising by dentists. It was m/s/c (Kaye/Baron) to take a watch position and have a representative of the Board attend policy meetings.

SB 299 (Chesbro) This bill amends current law for licensure by credential and basically allows licensure of an applicant who meets one of the following requirements:

- 1) completed a post-graduate program within the 7 years preceding the date of application, or
- 2) provides a copy of a pending contract to practice full time for two full years in certain specified settings, or
- 3) provides a copy of a pending contract to teach or practice dentistry full time for two full years in an accredited dental education program

Dr. SooHoo expressed his concern for the faculty provision, citing many faculty do nothing "hands-on" yet they would be issued full, unrestricted licenses to practice dentistry. He feels strongly that this is a public safety issue.

Mr. Carrolon said they are trying to remove the 2-year requirement for prior clinical practice to encourage dentists to the under-served settings.

There was discussion of issuing restricted or temporary licenses. It was m/s/c (Yokoyama/Baron)

to oppose unless amended to address the Board's concerns. After further discussion it was m/s/c to reconsider the Board's position on this bill.

Dr. SooHoo reiterated that the reason for LBC was to get dentists to serve the under-served, but pointed out that clearly had not happened.

When asked if CDA would be willing to discuss this legislation, Ms. Mudge said CDA feels strongly about reducing the number of years required for licensure without examination and their stance is that taking any exam is enough to qualify for a license in California. Further, CDA believes it is unfair that under current law, an applicant must satisfy a five year requirement, but with the

new

law to accept the WREB, an applicant may have fewer years of practice elsewhere, take the WREB and be licensed.

It was m/s/c (SooHoo/Yokoyama) to oppose this bill.

AB 1143 (Emmerson) This bill amends existing law for the issuance of Special Permits by allowing permits for applicants who do not meet the current education and certification requirements. Only five such permits can be issued to faculty at any one time for each dental school.

It was m/s/c (SooHoo/Baron) to watch.

AB 1386 (Laird) This bill will regulate the administration of oral conscious sedation for patients 13 years and older.

It was m/s/c (Yokoyama/SooHoo) to support and co-sponsor the bill.

AB 1334 (Salinas) This bill eliminates the need for a prescription from a licensed dentist for an RDHAP to treat patients.

Mr. Carrolon said at the January meeting, the Board voted to not support this bill.

Dr. SooHoo made a motion to oppose; the motion died for lack of a second.

AB 205 (Ruskin) This bill would require a dentist to mark dentures for identification purposes or obtain written consent to not do so.

Ms. Mudge said CDA opposes the bill because there is already a requirement in the law for marking dentures and believes the written consent provision adds a burden for the dentist.

It was m/s/c (SooHoo/Baron) to oppose. Dr. Yokoyama abstained.

AB 929 (Oropeza) This bill requires the Dept. of Health Services to educate the public about the health risks and effects of radiation via poster distribution to hospitals and health care facilities.

Mr. DeCuir said that although it appears [in this bill] that physicians and dentists alike are identified as health care providers with the responsibility to educate the public, it is incumbent upon health care facilities and hospitals only and has no direct impact on the Board.

Dr. Kaye spoke in opposition to the bill. It was m/s/c (SooHoo/Yokoyama) to watch.

AB 966 (Saldana) This bill requires the Dept. of Health Services to complete three activities with regard to dental amalgam.

1) Establish regulatory standards regarding the discharge of mercury in the process of providing dental and related services.

2) Require that the best available technology be used to ensure that the highest possible percentage of mercury is removed from any wastewater prior to discharge from a facility.

3) An insurance contract for health care coverage, a health care service plan, or a specialized health care service plan contract entered into, amended, or renewed on or after January 1, 2006 shall not deny coverage or reimbursement for the use of alternatives to amalgam based upon the cosmetic aspects of the alternative.

Ms. Mudge said CDA opposes this bill. Dr. Yokoyama spoke in support.

It was m/s/c to support (Yokoyama/Baron). Dr. SooHoo opposed; Dr. Kaye abstained.

SB 248 (Figueroa) Mr. DeCuir stated this is the Board's Sunset Bill and although the existing sunset date is January 1, 2007, in this bill all dates have been removed. He said the board has not yet been contacted by Senator Figueroa's office regarding issues and requirements in this bill. He said the bill may be used as the mechanism for the creation of a separate hygiene board.

It was m/s/c (Yokoyama/Baron) to watch.

SB 319 (Chan) Mr. DeCuir said the legislative intent of this bill appears to restrict certain materials (phthalates and/or bisphenol-A) in products for children three years old or less. He said there was concern that these materials might also be used in a dental office and that is the reason it was included for discussion.

It was m/s/c (SooHoo/Baron) to watch.

Public Comment

In referring to all but the first three bills discussed, Dr. Bonnie Morehead said it was not right for the Committee to discuss any legislation without providing copies to those who pay for Board packets to get material prior to the meeting.

Mr. DeCuir said the bills for which there was no information in the packet, were not available to him in time to include them in the packets. He said there will be legislative committee meetings on some bills before the next meeting of the Board in May, and it was necessary for this discussion to take place today.

There was no other public comment and the Committee meeting was adjourned.